

the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-4640. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on rescissions and deferrals dated April 1, 1998; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Agriculture, Nutrition, and Forestry, to the Committee on Commerce, Science, and Transportation, to the Committee on Energy and Natural Resources, to the Committee on Finance, to the Committee on Foreign Relations, and to the Committee on Indian Affairs.

EC-4641. A communication from the Acting Assistant Secretary of Labor for Employment and Training, transmitting, pursuant to law, the report of a rule entitled "Indian and Native American Welfare-To-Work Grants Program" (RIN1205-AB16) received on April 2, 1998; to the Committee on Indian Affairs.

EC-4642. A communication from the Director of the Federal Judicial Center, transmitting, pursuant to law, the annual report for calendar year 1997; to the Committee on the Judiciary.

EC-4643. A communication from the Clerk of the U.S. Court of Federal Claims, transmitting, pursuant to law, a report relative to a congressional reference case; to the Committee on the Judiciary.

EC-4644. A communication from the Senior Deputy Chairman of the National Foundation On the Arts and the Humanities, transmitting, pursuant to law, the annual report for fiscal year 1997; to the Committee on Labor and Human Resources.

EC-4645. A communication from the Acting Director of Communications and Legislative Affairs, U.S. Equal Employment Opportunity Commission, transmitting, pursuant to law, the annual report for fiscal year 1995; to the Committee on Labor and Human Resources.

EC-4646. A communication from the General Counsel of the Corporation For National Service, transmitting, pursuant to law, the report of a rule entitled "Administrative Costs for Learn and Serve America and AmeriCorps Grants Programs" received on April 16, 1998; to the Committee on Labor and Human Resources.

EC-4647. A communication from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food Labeling" received on April 16, 1998; to the Committee on Labor and Human Resources.

EC-4648. A communication from the Acting Deputy Director of the National Institute of

Standards and Technology and the Under Secretary of Commerce for Export Administration, transmitting jointly, pursuant to law, the report of a rule entitled "Procedures For Implementation of the Fastener Quality Act" (RIN0693-AB43) received on April 16, 1998; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-376. A resolution adopted by the Idaho State Grange relative to the Environmental Protection Agency; to the Committee on Agriculture, Nutrition, and Forestry.

POM-377. A resolution adopted by the Senate of the Legislature of the State of Michigan; to the Committee on Agriculture, Nutrition, and Forestry.

SENATE RESOLUTION NO. 151

Whereas, The Food Quality Protection Act of 1996 (FQPA) was signed into law on August 3, 1996, by President Clinton; and

Whereas, Among the purposes of the FQPA is to assure that pesticide tolerance decisions and policies are based upon sound science and reliable data; and

Whereas, Another purpose of the FQPA is to assure that pesticide tolerance decisions and policies are formulated in an open and transparent manner; and

Whereas, The EPA is required by the FQPA to have reviewed approximately 3,000 of the approximately 9,700 existing tolerances by August 1999 to determine whether these tolerances meet the safety standards established by the FQPA; and

Whereas, The implementation of the FQPA could have a profound negative impact on domestic agricultural production and on consumer food prices and availability. With Michigan's diverse agriculture, this impact could be especially severe on our numerous specialty crops; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to take the following actions:

1. Direct the EPA to initiate immediately appropriate administrative rulemaking to ensure that the policies and standards the agency intends to apply in evaluating pesticide tolerances are subject to thorough public notice and comment prior to final tolerance determinations being made by the agency.

2. Direct the EPA to use its authority under the FQPA to provide interested persons the opportunity to produce data needed to evaluate a pesticide tolerance so that the agency can avoid the use of unrealistic default assumptions in making pesticide tolerance decisions.

3. Direct the EPA to implement the FQPA in a manner that will not disrupt agricultural production nor have a negative impact on the availability, diversity, and affordability of food.

4. Conduct oversight hearings immediately to ensure that actions taken by the EPA are consistent with the FQPA provisions and congressional intent. If the intent of the legislation is not carried out, then Congress should postpone the August 1999 deadline. Following oversight hearings, Congress should, if necessary, take appropriate actions or amend the FQPA to correct problem areas.

5. Encourage the Secretary of Agriculture and the United States Department of Agriculture to increase its commitment of manpower and budgetary resources to work with the EPA to gather scientific data. Furthermore, Congress should encourage the United

States Department of Agriculture to conduct an economic impact statement on the implementation of the FQPA.

6. Clarify the role of Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act as its provisions relate to the reestablishment of tolerances under the FQPA, and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the United States Environmental Protection Agency.

POM-378. A resolution adopted by the Board of County Commissioners of St. Johns County, Florida relative to the U.S. Army Corps of Engineers; to the Committee on Appropriations.

POM-379. A concurrent resolution adopted by the Legislature of the State of Kansas; to the Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION NO. 5029

Whereas, In the span of a few years, 1971 through 1973, the Federal Courts made it clear that an appropriate education is a fundamental right of children with disabilities that is secured by the due process and equal protection clauses of the 14th Amendment to the U.S. Constitution; and

Whereas, In 1975, Congress passed Public Law 94-142, the Education for All Handicapped Children Act, known since 1990 as the Individuals with Disabilities Education Act of IDEA; and

Whereas, The IDEA requires that all children with disabilities receive a free, appropriate public education and provides a funding mechanism to assist states and local educational services agencies with the costs of maintaining programs; and

Whereas, For several years, the costs of providing special education services required under federal and state law have been escalating rapidly and have been a major concern of policymakers who have reviewed the matter studiously. To date, solutions have proven elusive; and

Whereas, All of the states have some mechanism in their school finance laws that acknowledge the additional costs of providing special education services for children with disabilities, estimated on average to be about 2.3 times greater than for general education pupils; and

Whereas, The U.S. Supreme Court has opined that the IDEA is a comprehensive scheme set up by Congress to aid the states in complying with the constitutional obligation to provide public education for children with disabilities; and

Whereas, The IDEA authorizes funding in accordance with a formula, a key variable of which is the average per pupil expenditure for general education pupils. The Act authorized Congress to appropriate a sum equal to 5 percent of this average per pupil expenditure in 1977, 10 percent in 1978, 20 percent in 1979, and 40 percent by 1980. Though the Act authorized funding according to this formula, appropriations have never approached the authorization level and remains at 10 percent or less today; Now, therefore, be it

Resolved by the House of Representatives of the State of Kansas, the Senate concurring therein, That the Legislature, in recognition that children with disabilities are endowed by the Constitution with the right to be provided with a free and appropriate public education and that the Congress of the United States has enacted the Individuals with Disabilities Education Act in order to insure that right, hereby urges the Congress to acknowledge the fact that special education

services are extremely costly and should be supported by a combination of local, state, and federal funds; and be it further

Resolved, That the Legislature hereby requests the Congress to assume its fair share of the costs of special education services by increasing funding to a level more nearly approaching the level authorized by the Individuals with Disabilities Education Act; and be it further

Resolved, That the Secretary of State is hereby directed to send enrolled copies of this resolution to the President and President pro tempore of the Senate of the United States, to the Speaker of the House of Representatives of the United States, and to each member of the Kansas Congressional Delegation.

POM-380. A resolution adopted by the Senate of the General Assembly of the Commonwealth of Kentucky; to the Committee on Appropriations.

RESOLUTION

Whereas, The conditions of the roads and bridges in the states is deteriorating; and

Whereas, The demand placed upon the nation's transportation system has increased and will continue to increase into the 21st Century; and

Whereas, Safe, reliable, and cost effective movement of people, goods, and information is critical to economic development and competitiveness in the market; and

Whereas, The United States Department of Transportation has estimated that over five years, \$357 billion is needed to improve the highway system, while \$39.5 billion is needed just to maintain current road conditions; and

Whereas, States need every possible unencumbered dollar to improve their roads and bridges; and

Whereas, the United States Congress is urged to focus on incentives rather than disincentives in any transportation bill; now, therefore, be it

Resolved by the Senate of the General Assembly of the Commonwealth of Kentucky:

Section 1. The Senate hereby urges the Congress of the United States to provide funding without mandates to the Transportation Cabinet.

Section 2. The Senate Clerk of the Senate is directed to submit a copy of this Resolution to each member of the United States House of Representatives and the United States Senate.

POM-381. A resolution adopted by the Senate of the Legislature of the Commonwealth of Pennsylvania; to the Committee on Appropriations.

Whereas, Transportation access and safety are essential to economic hopes in communities across Pennsylvania; and

Whereas, While Pennsylvania has taken steps to increase the amount of State transportation funding to match Federal dollars and to deal with State areas of responsibility, the list of priority projects still exceeds available funds and the State's 12-year transportation plan contains many projects for which funding is unidentified; and

Whereas, Huge increases in vehicle miles traveled and in shipping products and goods on interstate highways add significantly to maintenance needs; and

Whereas, The Federal Highway Administration periodically documents the substantial number of structurally deficient and functionally obsolete bridges in Pennsylvania; and

Whereas, Federal funding remains the most critical share of the funding for major construction and reconstruction projects, and the six-year reauthorization bill will de-

termine the size and effectiveness of the transportation program Pennsylvania can undertake; and

Whereas, Congressman Bud Shuster, as Chairman of the Committee on Transportation and Infrastructure, and other congressional transportation advocates have proposed greatly increasing Federal funding as part of the transportation reauthorization, in the understanding that infrastructure investment is vital to the economic health of the nation and the states; and

Whereas, A long-term determination of Federal funding levels is necessary to allow for coordinated transportation planning at the State and local levels; and

Whereas, Money raised through Federal transportation taxes should be used to pay for transportation projects and enhanced motor vehicle and truck safety measures; not to cover deficits in other areas of Federal endeavor; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania urge the Congress of the United States to take action on the comprehensive multiyear transportation funding legislation; and be it further

Resolved, That congressional action on the transportation reauthorization include provisions for releasing trust fund moneys being withheld from transportation projects; and be it further

Resolved, That Pennsylvania support an increase in the Federal funding available to expand the array of projects that can be undertaken, which in turn will move up the completion of transportation priorities and secure the considerable job creation and highway safety benefits that will result; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM-382. A concurrent resolution adopted by the Legislature of the State of West Virginia; to the Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION NO. 16

Whereas, In 1977 the Surface Mining Control and Reclamation Act was enacted into law establishing an Abandoned Mine Reclamation Fund financed by a fee assessed on every ton of coal mined for the purpose of restoring previously mined but left unreclaimed lands; and

Whereas, To date over \$1.1 billion has been spent nationwide from the Abandoned Mine Reclamation Fund to mitigate the hazards associated with abandoned coal mine lands such as dangerous highwalls, impoundments, open mine portals and contaminated water supplies; and

Whereas, West Virginia's share of unfunded high-priority abandoned coal mine reclamation costs are estimated to be \$415 million; and

Whereas, West Virginia has received and spent almost \$200 million from the Abandoned Mine Reclamation Fund to finance the reclamation of abandoned coal mine land sites in the State but is of the firm conviction that additional funding is vital to the success of future water projects within this State; and

Whereas, The discrepancy between fee collections and expenditures is widening, with approximately \$285 million collected in fiscal year 1997 and only \$177 million appropriated; and

Whereas, The threat to the health, safety and general welfare of coalfield citizens from the hazards associated with abandoned coal mine sites is unacceptable and must be mitigated; and

Whereas, The expenditure of funds for abandoned mine reclamation projects not

only enhances the coalfield environment but creates jobs in the construction of such projects; therefore, be it

Resolved by the West Virginia Legislature, That the Committees on Appropriation of the United States House of Representatives and the United States Senate are urged to increase the annual appropriation from the Abandoned Mine Reclamation Fund to a level commensurate with annual fee collections as well as begin to draw-down the unspent balance of the fund especially for future water projects in these troubled areas; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to the United States House of Representatives, the Secretary of the United States Senate, and to each member of the West Virginia Congressional Delegation.

POM-383. A joint resolution adopted by the General Assembly of the State of Colorado; to the Committee on Armed Services.

HOUSE JOINT RESOLUTION NO. 98-1013

Whereas, The federal military base realignment and closure process has led to the closing of Lowry Air Force Base and the impending closure of Fitzsimons Army Garrison; and

Whereas, The exchange and commissary at the former Lowry Air Force Base has been closed, and the exchange and commissary at Fitzsimons Army Garrison is scheduled to be closed in March, 1999; and

Whereas, Over three thousand two hundred active duty military personnel with approximately six thousand eight hundred dependents are assigned to Buckley Air National Guard Base or other locations in the Denver metropolitan area; and

Whereas, Over four thousand members of the National Guard and Reserves in the Denver metropolitan area are entitled to unlimited exchange and limited commissary privileges; and

Whereas, Over nineteen thousand military retirees reside in the Denver metropolitan area; and

Whereas, The closure of the exchange and commissary at Lowry Air Force Base and the consequent increase in the number of persons using the exchange and commissary at Fitzsimons Army Garrison has resulted in the exchange and commissary at Fitzsimons being inadequate to support the needs of the persons eligible to use it; and

Whereas, The active duty military personnel, members of the National Guard and Reserves, and military retirees presently entitled to exchange and commissary privileges at Fitzsimons Army Garrison will suffer from decreased quality of life and increased financial burdens when the exchange and commissary at Fitzsimons Army Garrison is closed in March, 1999; and

Whereas, The closure of the exchange and commissary at Fitzsimons Army Garrison will eliminate over two hundred jobs; and

Whereas, The closest alternative exchange and commissary for the Denver metropolitan area is located at the United States Air Force Academy, which is over sixty miles and more than an hour's drive away from Denver; and

Whereas, Buckley Air National Guard Base is owned by the United States Air Force, but licensed to the State of Colorado; and

Whereas, Buckley Air National Guard Base and the City of Aurora, Colorado have sufficient power, water, and sewer infrastructure to support a new exchange and commissary at Buckley Air National Guard Base; and

Whereas, Roy Romer, Governor of Colorado; Major General William A. Westerdahl, Adjutant General of the Colorado National Guard; and Paul E. Tauer, Mayor of Aurora,

Colorado all support the relocation of the exchange and commissary from Fitzsimons Army Garrison to new facilities to be constructed at Buckley Air National Guard Base; now, therefore, be it

Resolved by the House of Representatives of the Sixty-first General Assembly of the State of Colorado, the Senate concurring herein, That we, the members of the Sixty-first General Assembly, request that the Congress of the United States, the Secretary of Defense, and the Secretary of the Air Force take immediate action to authorize the relocation of the exchange and commissary at Fitzsimons Army Garrison to new facilities to be constructed at Buckley Air National Guard Base and to ensure that the exchange and commissary at Fitzsimons Army Garrison remains open until the new facilities are completed; and be it further

Resolved, That the new exchange and commissary to be constructed at Buckley Air National Guard Base be sized to adequately meet the needs of all persons in the Denver metropolitan area who are eligible to use it; and be it further

Resolved, That copies of this Resolution be sent to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Secretary of Defense, the Secretary of the Air Force, the Speaker of the House and the President of the Senate of each state's legislature of the United States of America, and Colorado's Congressional delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THOMPSON, from the Committee on Governmental Affairs, without amendment:

H.R. 2766. A bill to designate the United States Post Office located at 215 East Jackson Street in Painesville, Ohio, as the "Karl Bernal Post Office Building."

H.R. 2773. A bill to designate the facility of the United States Postal Service located at 3750 North Kedzie Avenue in Chicago, Illinois, as the "Daniel J. Doffyn Post Office Building."

H.R. 2836. A bill to designate the building of the United States Postal Service located at 180 East Kellogg Boulevard in Saint Paul, Minnesota, as the "Eugene J. McCarthy Post Office Building."

H.R. 3120. A bill to designate the United States Post Office located at 95 West 100 South Street in Provo, Utah, as the "Howard C. Nielson Post Office Building."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. COVERDELL (for himself, Mr. ASHCROFT, and Mr. BROWNBAC):

S. 1959. A bill to prohibit the expenditure of Federal funds to provide or support programs to provide individuals with hypodermic needles or syringes for the use of illegal drugs; to the Committee on Labor and Human Resources.

By Mr. WARNER:

S. 1960. A bill to allow the National Park Service to acquire certain land for addition to the Wilderness Battlefield, as previously authorized by law, by purchase or exchange as well as by donation; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN:

S. 1961. A bill for the relief of Suchada Kwong; to the Committee on the Judiciary.

By Mr. FAIRCLOTH:

S. 1962. A bill to provide for an Education Modernization Fund, and for other purposes; to the Committee on Finance.

By Mr. THURMOND (for himself and Mr. COVERDELL):

S. 1963. A bill to amend title 10, United States Code, to permit certain beneficiaries of the military health care system to enroll in Federal employees health benefits plans; to the Committee on Governmental Affairs.

By Mr. REID (for himself and Mr. BRYAN):

S. 1964. A bill to provide for the sale of certain public land in the Ivanpah Valley, Nevada, to the Clark County Department of Aviation; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FAIRCLOTH (for himself, Mr. HELMS, Mr. LOTT, Mr. DASCHLE, Mr. ABRAHAM, Mr. AKAKA, Mr. ALLARD, Mr. ASHCROFT, Mr. BAUCUS, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBAC, Mr. BRYAN, Mr. BUMPERS, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Mr. CHAFEE, Mr. CLELAND, Mr. COATS, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FORD, Mr. FRIST, Mr. GLENN, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. HOLLINGS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KEMPTHORNE, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. REED, Mr. REID, Mr. ROBB, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. ROTH, Mr. SANTORUM, Mr. SARBANES, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. TORRICELLI, Mr. WARNER, Mr. WELLSTONE, and Mr. WYDEN):

S. Res. 211. A resolution expressing the condolences of the Senate on the death of Honorable Terry Sanford, former United States Senator from North Carolina; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COVERDELL (for himself, Mr. ASHCROFT, and Mr. BROWNBAC):

S. 1959. A bill to prohibit the expenditure of Federal funds to provide or support programs to provide individuals with hypodermic needles or syringes for the use of illegal drugs; to the Committee on Labor and Human Resources.

THE NEEDLE EXCHANGE PROGRAMS PROHIBITION
ACT OF 1998

Mr. COVERDELL. Mr. President, I am today introducing, along with Sen-

ators ASHCROFT and BROWNBAC, a bill to prohibit the use of federal funds to carry out or support programs for the distribution of sterile hypodermic needles or syringes to illegal drug users.

This bill would effectively continue and make permanent the ban imposed through the appropriations process which expired at the end of March. We are pleased that the Administration has decided not to use federal tax dollars to fund needle exchanges despite the expiration of the ban. But coinciding with this announcement, Health and Human Services Secretary Donna Shalala strongly endorsed needles exchanges and encouraged local communities to use their own dollars to fund needle exchange programs. This legislation is therefore needed to foreclose any temptation the Administration may feel to federally fund needle exchanges in the future.

The Drug Czar, General Barry McCaffrey, has laid out the strong case against needle exchange programs. Handing out needles to drug users sends a message that the government is condoning drug use. It undermines our anti-drug message and undercuts all of our drug prevention efforts.

A report by General McCaffrey's office reviewed the world's largest needle exchange program in Vancouver, British Columbia, in operation since 1988. It found the program to be a failure. HIV infections were higher among users of free needles than those without access to them. The death rate from drugs jumped from 18 a year in 1988 to 150 in 1992. In addition, higher drug use followed implementation of the program.

Dr. James L. Curtis of New York, who has studied needle exchange programs was quoted in the Washington Times stating that the programs "should be recognized as reckless experimentation on human beings, the unproven hypothesis being that it prevents AIDS."

According to recent scientific studies, eight persons a day are infected with the HIV virus by using borrowed needles, while 352 people start using heroin each day and 4,000 die every year from heroin-related causes other than HIV. Far more addicts die of drug overdoses and related violence than from AIDS. It is wrong to aid and abet those deaths by handing out free needles to drug addicts. We should not be encouraging higher rates of heroin use.

Therefore, I hope my colleagues will join me in making permanent the prohibition on federal funding and support of needle giveaway programs.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1959

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,